THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.30054 OF 1995

DATED: 17-01-2007

Between :

1. Pillala Yerrunaidu and 18 others. ... Petitioners

And

1. The Joint Collector, Vizianagaram District.,
   and another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.30054 OF 1995

ORDER :

This writ petition is filed challenging the Notification dated 4-12-1995 issued under Section 4 (1) of the Land Acquisition Act, 1894 seeking to acquire several extents of land situated in Godikommu Village, Jami Mandal, Vizianagaram District for the propose of providing house sites to the backward classes. The petitioners 19 in number questioned the impugned notification primarily on the ground that the Joint Collector who issued the impugned notification has no authority to issue the notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act') and that the District Collector alone is competent.

I have heard the learned Counsel appearing for the petitioners and the learned Government Pleader for Land Acquisition appearing for the respondents.

Section 3(c) of the Land Acquisition Act reads as under :

"Section 3 (c) :- the expression 'Collector' means the Collector of a District and includes a Deputy Commissioner and any Officer specially appointed by the appropriate Government to perform the functions of a Collector under this Act."

In the counter-affidavit filed on behalf of the respondents, it has been specifically pleaded that the impugned notification was approved by the Joint Collector, Vizianagaram under Section 3 (c) of the Act who was authorised by the Government to notify the same.

In the circumstances, the impugned notification issued by the

Joint Collector cannot be held to be without jurisdiction.

The other objections raised by the petitioners i.e., they are small farmers and belong to Backward class community and therefore there is no justification in acquiring their land are all aspects which can be raised in the enquiry under Section 5-A of the Act. Though under the impugned notification the enquiry under Section 5-A of the Act was not dispensed with, it is represented that by virtue of the interim directions granted by this Court, further steps have not been taken.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the respondents, in case the land in question is still required for the public purpose, to conduct an enquiry as contemplated under Section 5-A of the Act and to take further steps in accordance with law after considering the objections that may be raised by the petitioners.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 17-01-2007

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